

**AGENDA REPORT**

**DATE** December 3, 2002

**ITEM** Res. No. 9275 Intention to Vacate a Partial Alley Right of Way in North Riverview Terrace

**INITIATED BY** Property Owners Abutting Right of Way

**ACTION REQUESTED** Commission Adopt Res. No. 9275 and Set Public Hearing for December 17, 2002

**PREPARED & PRESENTED BY** Bill Walters, Senior Planner

**REVIEWED & APPROVED BY** Robert Horne, Jr., Planning Director

- - - - -

**RECOMMENDATION:**

To initiate the vacation of a partial alley right of way along the west boundary of Block 1, North Riverview Terrace, Section 3, Part 1, it is recommended the Commission adopt Resolution No. 9275.

**MOTION:**

“I move the City Commission adopt Resolution No. 9275 and set 7:00 p.m., December 17, 2002, as the time for the public hearing on the requested vacation.”

**SYNOPSIS:**

Resolution No. 9275 will initiate vacation of a partial alley right of way located between North Riverview Terrace, Section 3, Part 1, and the Twilite Theater Tracts, which extends from Smelter Avenue to 23<sup>rd</sup> Avenue Northeast.

**BACKGROUND:**

Situated between the Twilite Theater Tracts and Block 1, North Riverview Terrace Addition, Section 3, Part 1, is a dedicated partial alleyway which varies in width from 9.35 feet at 23<sup>rd</sup> Avenue Northeast to 16.60 feet at Smelter Avenue.

Please refer to the attached map exhibit.

The strip is inaccessible at the north end and is partially obstructed in its south half by power poles and guy wire supports. Occupants of at least two lots along the east side of the strip rely on the southern portion of the alleyway for access.

However, now, with the new development occurring on the abutting Twilite Theater property, there appears to be an opportunity to rectify this strip which has been an ongoing nuisance and point of confusion to the City and abutting property owners.

Fourteen of the fifteen owners of lots abutting subject right of way have signed and submitted a petition supporting the vacation.

The portion of the alleyway abutting Twilite Theater Tracts would, upon abandonment, revert to the owners of Twilite Theater Tracts. The owners of Twilite Theater Tracts would, in turn, provide a non-exclusive access easement along their east boundary for use by neighboring property owners.

The portion of the alleyway abutting Roller City would, upon abandonment, revert to the abutting residential owners in Block 1, North Riverview Terrace, Section 3.

The distribution of vacated right of way, enlargement of abutting lots and reservation of the necessary easements will be accomplished through an Amended Plat, a draft copy of which is attached.

Attach: Res. No. 9275

Vicinity Map

Reduced Copy of Amended Plat